

9/10/07

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 13  
 )  
DEBORAH WILLIAMS, ) CASE NO. 07-68540-MHM  
 )  
Debtor. )

**ORDER DEFERRING IMPOSITION OF SANCTIONS**

Hearing was held August 23, 2007, on motion of the Chapter 13 Trustee ("Trustee") for Debtor's attorney to show cause why sanctions should not be imposed for failure to timely and competently perform services for Debtor. Trustee alleges that Debtor's attorney failed to timely file a Bankruptcy Rule 2016 disclosure statement, the required verifications of schedules, and other documents. Trustee also alleges that Debtor's attorney frequently files documents late without obtaining an extension of time. Trustee alleges and Debtor's attorney does not dispute that, at the hearing on Debtor's motion to extend the automatic stay held June 5, 2007, Debtor's attorney was orally instructed by the undersigned to file the Bankruptcy Rule 2016 disclosure statement. As the disclosure statement should have been filed with the petition, which was filed June 1, 2007, the undersigned assumed that the disclosure statement would be filed promptly, and at least within the 15-day grace period allowed for filing Schedules.<sup>1</sup> (The Schedules were filed June 2, 2007). That disclosure statement, however, was not filed until July 20, 2007, *after* the Trustee filed his show cause motion, and after the 15-day grace period.

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<sup>1</sup> Section 521 and Bankruptcy Rule 1007(b) require a debtor to file schedules of assets and liabilities, a schedule of current income and expenditures, a schedule of executory contracts and unexpired leases, and a statement of financial affairs (the "Schedules"). Bankruptcy Rule 1007(c) provides that, if the Schedules are not filed with the petition, they must be filed within 15 days thereafter. Debtor may obtain an additional 15 days to file the required documents upon motion and for good cause shown, but it is the policy and practice in this district to grant only one such 15-day extension.

In his written response and at the hearing, Debtor's attorney did not dispute the allegations set forth in Trustee's motion. Debtor's attorney admitted he had shown significant deficiencies in his Chapter 13 practice. Debtor's attorney has voluntarily imposed upon himself a filing limit of two cases per month for the next 18 months.<sup>2</sup> As Debtor has voluntarily undertaken measures intended to assist him in improving his Chapter 13 practice, the undersigned will accede to his request for an opportunity to correct the habits and practices which resulted in the past deficiencies. Accordingly, it is hereby

ORDERED that disposition of Trustee's motion is deferred indefinitely. It is further ORDERED that Trustee is instructed to monitor the cases assigned to the undersigned in which a debtor is represented by Stanley Kakol; to file a report (in the appropriate case) if Mr. Kakol fails to timely perform any of the duties and responsibilities necessary to a successful prosecution of a Chapter 13 case; and to request the rescheduling of hearing on this show cause motion, at which time sanctions, including suspension from practice in this court, may be imposed upon Mr. Kakol.

**The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Debtor, Debtor's attorney, the Chapter 13 Trustee, and all creditors and parties in interest.**

IT IS SO ORDERED, this the 7<sup>th</sup> day of September, 2007.

  
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MARGARET H. MURPHY  
UNITED STATES BANKRUPTCY JUDGE

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<sup>2</sup> That self-imposed limit, as well as several other measures to help Debtor's attorney improve his Chapter 13 practice, has been confirmed by Chief Judge Joyce Bihary by order entered August 29, 2007 in Case No. 06-67285-JB.